

REMARKS

Claims 1, 33, and 37 are pending. Claims 1, 33, and 37 have not been amended.

Double Patenting

The applicants respectfully disagree with the arguments set forth for double patenting over Gonser for the reasons set forth in the prior response that a UV hand-held applicator is not a microwave/RF applicator; however, in the event that the claims are indicated as otherwise in condition for allowance except for the double patenting rejection and the rejection over Stangel et al., the applicants will submit a terminal disclaimer based on the objection with respect to claim 10 of U.S. Patent No. 6,737,619 in order to advance the prosecution of this case.

Section 102

Remaining claims 1, 33 and 37 stand rejected as anticipated under 102(e) by Stangel et al. In the event that the claims are indicated as otherwise in condition for allowance except for the double patenting rejection and the rejection over Stangel et al., the applicants will submit the required documentation to provoke an interference with Stangel et al.. As support for the prima facie case of interference in this case, it is noted that the provisional application 60/099,654 to which Stangel claims priority lists Dr. Marc Seghatol as one of the inventors for that provisional application, even though Dr. Stangel was omitted from the declaration for the Stangel utility patent application.

Section 103

Claims 1, 33 and 37 stand rejected as obvious over Podszun in view of Nakazuto and Stevens. This rejection is respectfully traversed.

It is respectfully submitted that the cursory, one sentence assertion of why the three cited references supposedly would have been obvious to have been combined without the knowledge or impermissible hindsight afforded by the present invention does not meet the requirement for making an express and logical reasoning as required by the Supreme Court in its recent *KSR v.*

Teleflex decision. Accordingly, the Examiner has not established a *prima facie* case of obviousness.

It is undisputed that the microwave energy utilized by Nakazuto is merely a conventional microwave oven into which a flask containing a denture is placed instead of heating the flask in a hot water bath. “The flask is then placed in a microwave oven for domestic use, wherein it is irradiated with microwaves for 3 to 5 minutes for polymerization.” (Col. 1, lines 58-60, see also, Col. 15, lines 9-35). Much of the heating of the flask occurs indirectly by thermal transfer, a process that, like Lee, would raise the temperature of the materials to a point that is very likely to burn human tissue in the mouth. In one of the examples in Nakazuto, microwave energy is applied within a conventional oven at a rate of 500W for a period of 3 minutes. (Nakazuto Col. 19, lines 25-27). Stevens, on the other hand, describes an antenna that emits RF and microwave energy that has an extended portion 424 formed in a roughly conical shape. (Stevens, Col. 4, lines 57-59). There is simply nothing by way of reasoning or analysis in the Office Action for why or how a person skilled in the art would be motivated to take the microwave oven of Nakzuto and combine it with Stevens. Accordingly, the Examiner has not meet the burden of establishing a *prima facia* case of obviousness.

CONCLUSION

The Examiner is invited to telephone Malcolm D. Reid at 612-632-3304 if the Examiner believes it would be useful to advance prosecution.

Very truly yours,



Michael A. Bondi
Registration No. 39,616
Attorney for Applicants
612-632-3309 (voice)
612-632-4309 (direct fax)
michael.bondi@gpmlaw.com

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Gray Plant Mooty Mooty & Bennett, PA
PO Box 2906
Minneapolis, MN 55402-0906

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